



Senate

General Assembly

February Session, 2008

File No. 362

Senate Bill No. 324

Senate, April 1, 2008

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE COLLECTION OF CHILD ACTIVITY FEES
PURSUANT TO A SUPPORT ORDER.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) and (b) of section 52-362 of the 2008
2 supplement to the general statutes are repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2008*):

4 (a) For purposes of this section:

5 (1) "Dependent" means a spouse, former spouse or child entitled to
6 payments under a support order, provided Support Enforcement
7 Services of the Superior Court or the state acting under an assignment
8 of a dependent's support rights or under an application for child
9 support enforcement services shall, through an officer of Support
10 Enforcement Services or the Bureau of Child Support Enforcement
11 within the Department of Social Services or an investigator of the
12 Department of Administrative Services or the Attorney General, take
13 any action which the dependent could take to enforce a support order;

14 (2) "Disposable earnings" means that part of the earnings of an
15 individual remaining after deduction from those earnings of amounts
16 required to be withheld for the payment of federal, state and local
17 income taxes, employment taxes, normal retirement contributions,
18 union dues and initiation fees, and group life and health insurance
19 premiums;

20 (3) "Earnings" means any debt accruing to an obligor by reason of
21 such obligor's personal services, including any compensation payable
22 by an employer to an employee for such personal services whether
23 denominated as wages, salary, commission, bonus or otherwise,
24 including unemployment compensation if a purchase of service
25 agreement between the Commissioner of Social Services and the Labor
26 Commissioner is in effect pursuant to subsection (e) of section 17b-179
27 of the 2008 supplement to the general statutes;

28 (4) "Employer" means any person, including the Labor
29 Commissioner, who owes earnings to an obligor;

30 (5) "Income" means any periodic form of payment due to an
31 individual, regardless of source, including, but not limited to,
32 disposable earnings, workers' compensation and disability benefits,
33 payments pursuant to a pension or retirement program and interest;

34 (6) "Obligor" means a person required to make payments under a
35 support order;

36 (7) "Support order" means a court order, or order of a family
37 support magistrate including an agreement approved by a court or a
38 family support magistrate, that requires the payment to a dependent of
39 current support, cash medical support, child athletic, extracurricular or
40 other activity fees, a specific dollar amount of child care costs or
41 arrearage payments;

42 (8) "Unemployment compensation" means any compensation
43 payable under chapter 567, including amounts payable by the
44 administrator of the unemployment compensation law pursuant to an

45 agreement under any federal law providing for compensation,
46 assistance or allowances with respect to unemployment.

47 (b) The Superior Court and any family support magistrate shall
48 issue an order for withholding pursuant to this section against the
49 income of an obligor to enforce a support order when the support
50 order is entered or modified or when the obligor is before the court in
51 an enforcement proceeding. The court shall order the withholding to
52 be effective immediately or may, for cause or pursuant to an
53 agreement by the parties, order a contingent withholding to be
54 effective only on accrual of a delinquency in an amount greater than or
55 equal to thirty days' obligation. Any finding by a court or family
56 support magistrate that there is cause not to order withholding to be
57 effective immediately shall be based on at least (1) a written
58 determination that, and explanation by the court or family support
59 magistrate of why, implementing immediate income withholding
60 would not be in the best interests of the child, and (2) proof of timely
61 payment of previously ordered support in cases involving the
62 modification of such support. Before the court or family support
63 magistrate issues an order for withholding which is effective
64 immediately against an obligor who is before the court or a family
65 support magistrate, it shall inform the obligor of the minimum amount
66 of income which is exempt from withholding under state and federal
67 law, of such obligor's right to claim any applicable state or federal
68 exemptions with respect thereto and of such obligor's right to offer any
69 evidence as to why a withholding order effective immediately should
70 not issue. If the court or family support magistrate issues an order for
71 withholding to be effective immediately against a nonappearing
72 obligor, notice shall be served subsequently upon the obligor in
73 accordance with section 52-57 or sent by certified mail, return receipt
74 requested, to the obligor's last known address, informing such obligor:
75 (A) That a support order has been issued to be enforced by an income
76 withholding order, (B) that an income withholding order has been
77 issued effective immediately as part of the support order, (C) of the
78 minimum amount of income exempt from withholding under state
79 and federal law and of such obligor's right at the hearing on the

80 support order to claim any other applicable state or federal exemptions
81 with respect thereto, (D) of such obligor's right to a hearing, upon
82 motion to the court, to offer any evidence as to why the withholding
83 order effective immediately should not continue in effect, (E) of the
84 amount of income received by such obligor which formed the basis for
85 the support order against such obligor, and (F) of such obligor's right
86 to move to modify the support order if such obligor's income has
87 changed substantially or if the support order substantially deviates
88 from the child support guidelines established pursuant to section
89 46b-215a.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2008</i>	52-362(a) and (b)
-----------	---------------------	-------------------

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill specifies that child support orders imposed by a court or family support magistrate may include payment of athletic, extracurricular, and other activity fees. These amounts are included in the basic current support obligation, thus the bill has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 324*****AN ACT CONCERNING THE COLLECTION OF CHILD ACTIVITY FEES PURSUANT TO A SUPPORT ORDER.*****SUMMARY:**

This bill specifies that child support orders imposed by a court or family support magistrate may include payment of athletic, extracurricular, and other activity fees. By law, parents must support their children until they are legally emancipated or turn age 18 (but if they are full-time high school students, support continues until they graduate or turn age 19, whichever comes first).

EFFECTIVE DATE: July 1, 2008

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 1 (03/12/2008)